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SUBJECT: ROKG PROTESTS PROPOSED JAPANESE SURVEYS IN
DISPUTED WATERS

Classified By: POL M/C Joseph Yun. Reasons 1.4 (b), (d).

SUMMARY

¶1. (C) Deputy Foreign Minister Yun Byung-se on April 14 informed the DCM that the Japanese Maritime Security Agency through its website announced its intention to conduct geological surveys beginning April 14 in a part of the East Sea (Sea of Japan) that would violate international law, ROK domestic law, and the ROK-Japanese fisheries agreement. The ROKG held an emergency cabinet meeting earlier in the day and later called in the Japanese Ambassador to protest. Acting Foreign Minister Yu Myung-hwan told the Japanese Ambassador that if Japan conducted the survey, the ROK would take all necessary steps including stopping, searching, or seizing vessels and the consequences would be Japan's responsibility. The Japanese Ambassador replied that Japan was operating a scientific survey, was within its rights, and did not require prior approval. The DCM said that although he had received no formal instructions, he wanted to emphasize the USG desire to avoid confrontation and recommended that Seoul and Tokyo must exercise all available forms of communication for a clearer understanding before any action was taken that could be viewed as possibly provocative. END SUMMARY.

¶2. (C) Deputy Foreign Minister Yun Byung-se on April 14 during a 40-minute meeting with the DCM discussed the Japanese Maritime Security Agency's intention, as expressed on its website, to conduct geological surveys beginning today through the end of June in an area that the ROK claimed would violate international law, ROK domestic law, and the ROK-Japanese fisheries agreement, particularly because it included waters running between the islets of Dokdo and Ullungdo. Yun explained that the delineation between ROK and Japanese territorial waters was not complete. Although two lines had been proposed as a possible solution, the area that Japan planned to survey was farther west, closer to the ROK, than both of them. This clearly indicated to Seoul that Tokyo intended to extend its area of operations.

ROKG PROTESTS TO JAPANESE AMBASSADOR

¶3. (C) Yun said that ROK Acting Foreign Minister Yu Myung-hwan had called in the Japanese Ambassador to make five-points: that (1) the Japanese MSA had not sought prior

approval for the scientific survey, an act in violation of international law and an infringement of ROK sovereignty; (2) according to the Law of the Sea any country that wanted scientific research must get the approval of the coastal state and ROK domestic law also required such approval; (3) according to ROK law, vessels engaged in scientific research without approval were subject to being stopped, searched, seized, or faced with other actions; (4) if Japan went ahead with this survey plan, the ROK would take all necessary steps including stopping, searching, or seizing those vessels and the consequences would be Japan's responsibility; and (5) the ROKG requested the Japanese Ambassador to convey the seriousness of the case to Tokyo, so that it would withdraw its plan and avoid further aggravating bilateral relations.

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JAPANESE AMBASSADOR CLAIMS JAPAN WAS WITHIN RIGHTS

¶4. (C) Yun reported that the Japanese Ambassador's response was that (1) the purpose was scientific research; (2) the survey area was within the Japanese Exclusive Economic Zone (3) Japan believed it had the right to conduct the surveys; and (4) Japan did not need prior approval. It was possible, Yun noted, that this was just Japan's initial position and further communication might follow, but he did not know when.

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ROKG EXPLAINS SERIOUSNESS OF MATTER

¶5. (C) Yun asserted that to understand why this matter was viewed so seriously by Seoul, it must be seen as the latest in a pattern of Japanese provocations. This kind of survey had never been done by Japan before, which Yun explained was probably because of the sensitivity surrounding these waters.

Last year a local Japanese government passed legislation claiming that the island of Dokdo was Japanese territory. Japan's Education Ministry had recently issued textbook guidance that was perceived as insensitive by Seoul. Compared to the action of a local government or the action of one ministry, however, this survey, because it must have received high-level Japanese approval, was more serious. Yun also said that last year there was another incident of a Korean fishing boat that was chased away by Japanese MSA vessels, a 36-hour confrontation that was remembered by Koreans.

¶6. (C) Yun expressed his personal opinion that this was a sinister move by Tokyo. He said that from his experience as the chief ROK negotiator during the ROK-Japanese fishing talks, he knew the importance of the proposed survey coordinates. He said he thought this was a direct challenge to the ROK claim of sovereignty to Dokdo. If Japan purely sought scientific research, it could have consulted with the ROK or proposed to operate in less charged waters. He said he hoped Tokyo would not proceed with the survey and force Seoul to seize ships. Who knew, he added, whether the Japanese survey ships would be armed or protected by other vessels.

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ROKG REQUESTS USG TO INVESTIGATE

¶7. (C) Yun requested that the USG consider looking into the matter and exercise whatever leadership it deemed necessary. He added that the ROKG had held an emergency cabinet meeting earlier in the day, reflecting serious concerns of the ROKG leadership. He also alluded to the fact that the ROKG maintained "standard operating procedures" covering Dokdo.

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USG CALLS FOR RESTRAINT

¶8. (C) The DCM said that although he had received no formal instructions, he wanted to emphasize the USG desire to avoid confrontation and that the two sides must exercise all available forms of communication for a clearer understanding

before taking any action that could be viewed as possibly provocative. The DCM also said that the Embassy stood ready to receive further updates on developments that the ROK deemed important.

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